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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 13

Application Number: 09/982,175
Filing Date: October 19, 2001
Appellant(s): MESCHENMOSER, ANDREAS

Andreas Meschenmoser
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 21,2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 3,4,67,12-18,20-22,26 and 30-41 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

6,065,396	Schiel et al	5-2000
4,915,790	Dahl	4-1990

4,492,611	Meinander	1-1985
Re 31,923	Justus	6-1985
5,662,778	Laapotti	9-1997
DE 29811048	Germany	10-1998

MacDonald et al, Pulp and Paper Manufacture, Vol. III, McGraw-Hill Book Co., pp 583-590.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-9 and 12 –41 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE '048 and/or Schiel et al, further as necessary with MacDonald et al, further in view of Dahl and/or Meinander and Justus.

Note that the foreign priority document for US 6,406,596 (which apparently is assignee's own patent) is the same as the priority document (German 19816673) for DE '048 and thus, an English language counterpart of DE '048.

DE '048 in Figure 5 shows a first press with two press shoe units forming an essentially level press nip, each one of the press shoe has a sealing belt (flexible sleeve 40 and have groves or blind drilled holes to allow for centrifugal removal of water from the sealing belt/sleeve of the press units as shown in Figure 5 (refer to 6,406,596, column 12 for the English translation of the relevant portion of DE '048). It is noted that DE '048's sealing belt/sleeve for example corresponds to sealing belt 44 and 46 shown in Figure 2 of the present specification. If there is any doubt that this sealing belt/sleeve is grooved or blind hole drilled, Justus is cited to show that it is a conventional feature

for sealing belt/sleeve. Each press unit has an associated belt/felt that acts to sandwich the web as the web is dewatered in the nip between the two press units and associated belt/felt. It is clear from Figure 5 that the belt or felt is water permeable since water pressed from the web passes through the belt/felt onto the surface of the sealing belt/sleeve where it is centrifugally removed. Each felt/belt is driven by a drive roll as indicated by the conventional schematic drive symbol in the drive roll. If there is any doubt as to using a driven belt, Additionally in regard to claims 13, the claimed "deflection roll" and "collector" reads on the drive roll associated with the lower felt/belt and water collecting channel 72 in DE '048.

Schiel et al is similar to DE '048 and teaches a flat nip arrangement with two shoe press unit, sealing belts press shoes and a web guide drive belt 6. Although Figure 1 shows only one web guide drive belt, Schiel clearly teaches that more than one drive belt may be used, column 1, last paragraph. Web guide belt 6 is driven by a drive roll (not shown), column 4, lines 40-48. Column 2, lines 29-31 refer to the drive belt as a press felt and column 4, lines 49-58 state that this belt can be "water absorbing".

It would have been obvious to employ a press wire or dewatering wire as the press felt in DE '048 or Schiel since it is a well known alternative as evidenced by Dahl who at column 5, lines 20-24 teach the alternativeness of dewatering wire to dewatering press felt. Meinander similarly evidences this alternativeness by teaching that a fabric wire is provided for the purpose of increasing water removal in an extended nip press. In regard to Claims 4,6 and 26, Meinander teaches in column 2, lines 10-25 that it is well known practice to have an additional dewatering felt/belt on a side of the paper to

enhance dewatering. Thus, it would have been obvious to provide an additional dewatering felt on each side of the web in the press nip to achieve enhanced dewatering. Note that a driven suction guide roll in association with the upper felt is depicted in Figure 5.

MacDonald teaches in the first full sentence, column 1, page 590 that it is desirable to have a drive for every roll in the paper making machine and typical applications include felt rolls. In any case, MacDonald as noted above teaches that it is desirable and advantageous to drive all rolls in the paper making machine.

In regard to providing the grooved or blind holes in the sealing belt in Schiel, this is a standard feature of a sealing belt, which enables water removal as further evidenced by Justus (and also shown by DE '048). The use of scrapers and water collectors is conventional in the art and the their arrangement would have been obvious in order to remove water from the rolls and belts.

2. Claims 13-17,22,40 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Laapotti '778.

Laapotti shows that it is well known use an inclined press plane and thus, it would have been obvious to employ an inclined press plane. Laapotti et al also describes that a press fabric is guided by alignment, tensioning and guide rolls. Additionally Laapotti et al shows use of scrapers and water collectors. The claimed association of scrapers, water collectors and guide rolls would have been obvious arrangement to obtain desired water removal from the press elements.

(11) Response to Argument

Applicant's arguments urge that DE '048 does not show that the sealing belt is grooved or has blind holes, apparently based on the presumption that DE '048 is silent as to the structure of the sealing belt. The presumption is incorrect; DE '048 does disclose the claimed structure as noted above. Even so, if one were to practice the '048 invention and '048 was silent as to the grooves or blind holes in the sealing belt, one of ordinary skill in art would be motivated to seek within the realm of the prior art and the purview of his or her skill, the known structure or make up of sealing belts that facilitates water removal therefrom and use it in order to practice the invention disclosed in the reference.

It is urged that DE '048 does not disclose how rolls other than roll 24 is driven. The fact remains that Figure 5 in DE '048 clearly shows that the other rolls are driven and hence teaches this claimed aspect of the invention.

The arguments imply that Dahl and Meinander do not disclose the claimed invention and they do not teach the interchangeability of felt and wire. One seeking to practice the DE '048 invention would seek guidance as to the construction of the dewatering belt/felt; Dahl and Meinander are cited as secondary supporting references. They teach that felt and wires are interchangeable when used as dewatering belts.

The arguments presented against MacDonald are not convincing. As noted in the Final Rejection, MacDonald teaches the need and trend that "as machine speeds go higher and higher, helper motors are becoming more common, approaching the day when every roll or dryer will be driven" and then goes on to list typical applications.

Helper motors are drive motors. MacDonald merely augments what is already disclosed by DE '048, that is, the dewatering belts are each driven as shown Figure 5 and what is disclosed in column 1 of Schiel et al. It would be well within the purview of one of ordinary skill in the art to devise a dewatering belt to withstand the pressure, mechanical stress or rigors of being driven by a motor with reasonable expectation of success. It is urged that MacDonald, as well as the prior art as a whole does not recognize the problem being solved by the present invention. It is not necessary to have the same rationale to combine the prior art references as in the present invention. See *In re Linter*, 458 F. 2d,1013, 173USPQ 560 (CCPA 1972). It is urged that in contrast to MacDonald, the instant invention provides that the belts are driven. The claims call for a driving device, which drives the belt. Clearly a roll with a driving device such as a motor, driving the belt is within the scope of the claim limitation.

It is also noted that Appellant imply that Schiel is limited to the belt arrangement shown in Figure 1, it is not as noted in the above rejection.

It is urged that because Meinander is not related to double felted presses, it can not be used in combination with DE '048. The fact is that both DE '048 and Meinander are both directed to extended nip presses. Meinander teaches that dewatering capacity is increased by the use of a dewatering wire in combination with a felt, column 2, which provides motivation to use a dewatering wire in place of a dewatering felt or in combination with a dewatering felt.

The arguments directed at Laapotti are not convincing. Laapotti is as a secondary reference to show the well known use of inclined extended nip press

alignment and rolls and associated scrapers and water collectors. One of ordinary skill in the art would find it obvious to use extended nip press alignments that have been used successfully before. Laapotti is one such example of extended nip press alignment.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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